

REMARKS

Claims 1-4, 6-8, 11-15 and 17 have been rejected under 35 USC 102(b) as anticipated by Ertz. The rejection is moot since claims 1 and 12 have been amended to require that the transmission resources are allocated by freeing or terminating low priority existing transmission resources, similar to claim 5. A detailed discussion follows with respect to the rejection of claims 5 and 16 below.

Claims 5 and 16 have been rejected under 35 USC 103(a) as unpatentable over Ertz as applied to claims 1, 12 above, in view of Barnhouse. The rejection is respectfully traversed.

The Examiner states that Ertz fails to disclose “the information transfer are released or made available or corresponding transmission resources allocated for the transfer of information items assigned a low priority are released or made available” on page 9 of the Office Action. The Examiner goes on to state that Barnhouse discloses this feature at Fig. 10 and col. 17, lines 7-25, “referenced by the Override service 356 to force a terminator to accept an origination over a call blockage 346 thereby releasing lower priority resources which are blocked for the use by the override service.” However, Barnhouse fails to disclose allocating transmission resources by freeing or terminating existing transmission resources, as required by the claimed invention (as amended). Barnhouse simply requires that the override service 356 “forces a terminator to accept an origination.”

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 449122026300.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

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Respectfully submitted,

By 

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